



**CAMPAIGN TO
ELIMINATE
DRUNK DRIVING**

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Before Judiciary Committee
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Testimony in Support H.B. 6701**

"An Act Concerning Child Endangerment While Operating a Motor Vehicle While Under the Influence of Intoxicating Liquor or Drugs"

My name is Johanna Krebs and I am the Court Monitoring Specialist for MADD CT. Thank you for the opportunity to testify in support of a tough Child Endangerment Law for Connecticut.

Mothers Against Drunk Driving believes this Committee should support a revision of the Risk of Injury to a Minor law currently in place. We respectfully request that it be named a Child Endangerment Law and that it be inserted into the current DUI Statute under section 14-227j making it a Class D Felony punishable up to 5 years in prison.

Every child deserves a sober designated driver.

Driving drunk with a child passenger in a vehicle is a form of child abuse. For those who are convicted of driving drunk with a child passenger in a vehicle or for injuring or killing a child passenger in a vehicle, it is time for the punishment to fit the crime.

The DUI child endangerment penalties in Connecticut would include:

- First time offenders driving while intoxicated (.08 Blood Alcohol Content (BAC) or more) or impaired by drugs while a child of younger than 16 years old is in the vehicle may be charged with a class D felony punishable by up to 5 years in prison.
- Individuals charged with driving with a blood alcohol level of .08 or greater and with a child under the age of 16 in the vehicle would automatically have their license suspended pending prosecution.
- Courts must order all drivers convicted of Child Endangerment install and maintain an ignition interlock on any vehicle owned and operated by such driver for at least 1 year.
- Drivers who drive while intoxicated or impaired by drugs and cause the death of a child younger than 16 in the car may be charged with a Class B felony, punishable by up to 20 years in prison.
- Drivers who drive while intoxicated or impaired by drugs and cause serious physical injury to a child in the vehicle may be charged with a Class C felony, punishable by up to 10 years in prison.
- Individuals who are a parent, guardian, custodian or otherwise legally responsible for a child who are charged with driving while impaired by alcohol or drugs while that child is a passenger in the car would be reported to the CT Department of Children and Families.

In conclusion, MADD respectfully requests that the Judiciary Committee take a hard look at the current Risk of Injury to a Minor law and revise it to include Child Endangerment language. Thank you.



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Motor vehicle crashes are the leading cause of death for ages 3 to 14.¹

In 2009, 14 percent of the children age 14 and younger who were killed in motor vehicle crashes were killed in alcohol-impaired crashes.² Of the 181 children 0 to 14 years old who were killed in alcohol-impaired driving crashes during 2009, 92 (51 percent) of those killed were passengers in vehicles with drivers had a BAC level of .08 or higher.³

A child in a vehicle with a drinking driver is not only at risk from the impaired driver, but also from the lack of safety restraint use (like a seat belt or child safety seat), as drinking drivers are much less likely to make sure a child is properly restrained. Specifically, in fatal crashes, sober drivers had restrained their children 30.5 percent of the time, compared with only 18 percent for drinking drivers.⁴

MADD believes that driving under the influence of alcohol or other drugs is criminal and irresponsible. Having a child in the car elevates this criminal act to child abuse.

Black's Law Dictionary defines child abuse as:

When a child's parent or custodian, by reason of cruelty, mental incapacity, immorality or depravity, is unfit to properly care for him or her, or neglects or refuses to provide necessary physical, affectional, medical, surgical or institutional care for him or her or is under such improper care or control as to endanger his or her morals or health.

Clearly, driving under the influence with a child in the vehicle – child endangerment – is "improper care... so as to endanger his or her morals or health" and thus constitutes child abuse.

Thus, additional sanctions should be placed on those who drive under the influence with a child in the vehicle – regular sanctions and treatment are not enough.

41 states and the District of Columbia have laws enhancing penalties for those who drive drunk with a child passenger in a vehicle. The laws vary widely in severity and definition of a child passenger. For example in New York it is a felony to drive drunk with a child passenger under the age of 16. Whereas in Wisconsin, the same offense is a misdemeanor.

1 National Highway Traffic Safety Administration. "Traffic Safety Facts 2008: Children." DOT 811 157. Washington

DC: National Highway Traffic Safety Administration, 2009. www-nrd.nhtsa.dot.gov/pubs/811157.pdf

2 National Highway Traffic Safety Administration. "Traffic Safety Facts 2009: Alcohol." DOT 811 385. Washington

DC: National Highway Traffic Safety Administration, 2010.

3 National Highway Traffic Safety Administration. "Traffic Safety Facts 2009: Alcohol." DOT 811 385. Washington

DC: National Highway Traffic Safety Administration, 2010.

4 Quinlan, Kyran, et al. "Characteristics of Child Passenger Deaths and Injuries Involving Drinking Drivers." Journal of the American Medical Association 283 (17) (2000):2249-52. <http://jama.ama-assn.org/cgi/content/abstract/283/17/2249>



Components of a Child Endangerment Law

- ❑ First time offenders driving while intoxicated (.08 Blood Alcohol Content (BAC) or more) or impaired by drugs while a child of younger than 16 years old is in the vehicle shall be charged with a class E felony punishable by up to 4 years in State prison.
- ❑ Individuals charged with driving with a blood alcohol level of .08 or greater and with a child under the age of 16 in the vehicle would automatically have their license suspended and an Ignition Interlock Device installed pending prosecution.
- ❑ Courts must order all drivers convicted of a misdemeanor or felony DWI (regardless if child passenger was in the vehicle) to install and maintain an ignition interlock on any vehicle owned and operated by such driver for at least 1 year, in addition to any term of imprisonment. The Department of Probation and Correctional Alternatives will issue regulations that will provide counties with different options for supervising the use of interlocks, so as to ensure that they can determine the most appropriate mechanism for their needs.
- ❑ Drivers who drive while intoxicated or impaired by drugs and cause the death of a child younger than 16 in the car shall be charged with a Class B felony, punishable by up to 20 years in State prison.
- ❑ Drivers who drive while intoxicated or impaired by drugs and cause serious physical injury to a child in the vehicle may be charged with the Class C felony, punishable by up to 10 years in State prison.
- ❑ Individuals who are a parent, guardian, custodian or otherwise legally responsible for a child who are charged with driving while impaired by alcohol or drugs while that child is a passenger in the car would be reported to the Statewide Central Register of Child Abuse and Maltreatment by the arresting agency.

** Connecticut is currently one of only 8 states that do not have a child endangerment law.*

